

# **Pre-qualification Handbook**

***For Construction Bidding***

**State of South Carolina**

**Office of State Engineer**

**2011**

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## I. IMPORTANT PROVISIONS OF THE LAW

Section 11-35-3023 of the South Carolina Consolidated Procurement Code allows the State to limit participation in a solicitation for construction to only those businesses, including potential subcontractors that are pre-qualified.

- The statute requires that the Office of State Engineer (OSE) develop procedures agencies must use for the pre-qualification of potential offerors.
- Regulation 19-445.2145(G) requires that the procedure and criteria developed by the Office of State Engineer be incorporated into the *Manual for Planning and Execution of State Permanent Improvements—Part II*.
- The prequalification process may only be used with the approval and under the supervision of the OSE
- For a design-bid-build project, the prequalification process may be used upon written determination of the State Engineer that the project is either:
  - a. Over \$10,000,000 in construction value; or,
  - b. Unique in nature.
- On a design-bid-build project, offers must be sought from all offerors that meet the published minimum requirements for prequalification.
- The decision to not prequalify a particular offer is protestable. The standard of review is the same as for a determination of non-responsibility. See SC Code Ann § 11-35-2410.
- If fewer than two businesses are prequalified, the prequalification process must be canceled.

This Handbook is issued pursuant to the authorities cited above and is a part of the *Manual for Planning and Execution of State Permanent Improvements—Part II*. The provisions of this Handbook are applicable to state agencies who use pre-qualification as a part of the competitive sealed bidding process as defined in SC Code § 11-35-3020 or the competitive sealed proposal process SC Code § 11-35-1530.

## II. OVERVIEW OF THE PRE-QUALIFICATION DOCUMENTS

This Handbook contains documents designed to help the Agency solicit statements of qualifications and to collect the information that an agency will need to carry out a pre-qualification procedure and to establish a fair, objective, and consistent statewide standard for evaluating potential offerors.

## **1. Model Prequalification Information Packages**

The prequalification process requires public notice and the solicitation of responses from prospective offerors. These responses are hereinafter referred to as statements of qualifications. The typical SCBO notice provides limited, basic information and refers to an information package that is available to interested parties. The first sample information package addresses the prequalification of potential bidders when the source selection method is competitive sealed bidding. The second sample addresses the prequalification of potential offerors when the source selection method is competitive sealed proposals. The following documents are a part of each Model Prequalification Information Package.

### **a. Contractor's Qualification Questionnaire**

The questionnaire includes spaces for answers the contractors are to provide on the forms that they are to return to the agency.<sup>1</sup> This questionnaire includes requirements for prospective bidders to submit certain documentation with the completed questionnaire. The completed questionnaire and required documentation constitute a prospective bidder's statement of qualifications.

### **b. Past Performance Interview Questions**

This is a list of thirteen questions the Agency is to ask the contractor's past performance references. The agency may, in its sole discretion, ask additional questions to ensure full understanding of the responses offered by the past performance references.

### **c. Instructions for Past Performance Interviews**

This document defines process the agency's designated interviewer should use for conducting the reference interviews.

### **d. The Scoring Process**

This document defines the minimum requirements for pre-qualification; the list of questions the agency is to score; and the associated point structures. In competitive sealed bidding, all potential bidders who meet the minimum requirements must be permitted to bid the work. In competitive sealed proposals, the Agency will rank the potential offers from most qualified to least qualified. In the latter case, the Agency may limit competition to a specified number (OSE recommends a minimum of three) of the highest ranked offerors.

### **e. Pre-qualification Scoring Matrix**

The agency is to use the scoring matrix for summarizing the scores assigned during the agency's rating of the responses submitted by the contractors and references.

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<sup>1</sup> The documents included in this package are on the OSE Web site, [www.state.sc.us/mmo/ose/osemenu.htm](http://www.state.sc.us/mmo/ose/osemenu.htm).

## 2. Sources for Verification of Information

This section of the Handbook provides a list of sources of information that an agency may use to verify the accuracy of many of the answers given by the contractors to the questions on the questionnaire. Contractors seeking pre-qualification provide information to public agencies under oath, with the understanding that the intentional providing of false information is grounds for disqualification. The agency will and should generally accept contractor provided information at face value. The agency may use the list of sources of information in the few instances in which an agency reviewing the answers given in a questionnaire has specific reason to believe it should verify one or more answers.

## III. PROTEST RIGHTS

As provided in §11-35-2410, the determination of which potential offerors meet minimum standards of prequalification and the ranking of qualified potential offerors from most qualified to least qualified is protestable under §11-35-4210.

## IV. MODEL SCBO ADVERTISEMENT FOR CONTRACTOR PREQUALIFICATION

### A. COMPETITIVE SEALED BIDDING:

#### Request for Qualifications

Project Name:

Project Number:

Project Delivery Method: Design-Bid-Build

Agency name:

Agency location:

Notice is hereby given that [Agency Name] (hereinafter “Agency”) has determined that all [prime contractors – prime contractors and listed subcontractors – listed subcontractors] (hereinafter collectively referred to as “Contractors” and individually as “Contractor”) on the above named Project to be undertaken by the Agency must be pre-qualified prior to submitting a bid on this project. It is mandatory that all Contractors who intend to submit a bid shall fully complete a qualification questionnaire; provide all materials requested therein; and be approved by Agency to be on the final qualified Contractors list. *(The qualification questionnaire and materials requested herein are hereinafter collectively referred to as the “statement of qualifications”).* No bid will be accepted from a Contractor that has failed to comply with these requirements. The last date to submit a complete statement of qualifications is [mm/dd/yy] *[at least 35 days prior to the bid closing date]*. Interested parties may obtain an Information Package containing instructions for preparation and delivery of the statement of qualifications from *[include agency contact person information]*. Statements of qualification are to be submitted to the agency no later than *[include delivery date and time]*.

## PROJECT DESCRIPTION

*Provide a one- or two-paragraph description of the general scope of the project, including the most current construction budget and construction time.*

Construction disciplines required for the project include, but are not limited to:

*Provide a listing of the trade specialties required or anticipated based on the current design documents.*

For Promulgation

## B. COMPETITIVE SEALED PROPOSALS:

### Request for Qualifications

Project Name:

Project Number:

Project Delivery Method: *[Design-Build - other]*

Agency name:

Agency location:

Notice is hereby given that [Agency Name] (hereinafter “Agency”) has determined that all [design-builders - construction managers at risk – energy service companies] (hereinafter “Offerors”) on the above named Project to be undertaken by the Agency must be pre-qualified prior to submitting a proposal on this project. It is mandatory that all Offerors desiring to submit a proposal shall fully complete a qualification questionnaire; provide all materials requested therein; and be approved by Agency to be on the final qualified Offerors list. *(The qualification questionnaire and materials requested herein are hereinafter collectively referred to as the “statement of qualifications”)*. No proposal will be accepted from a Contractor that has failed to comply with these requirements. The last date to submit a complete statement of qualifications is [mm/dd/yy] *[at least 35 days prior to the bid closing date]*. Interested parties may obtain an Information Package containing instructions for preparation and delivery of the statement of qualifications from *[include agency contact person information]*. Statements of qualification are to be submitted to the agency no later than *[include delivery date and time]*.

Using only the criteria stated in the request for qualifications, the Agency will rank Offerors from most qualified to least qualified. The Agency will solicit proposals from only the *[insert #]* most qualified Offerors.

#### PROJECT DESCRIPTION

*Provide a one- or two-paragraph description of the general scope of the project, including the most current construction budget and construction time.*

Construction disciplines required for the project include, but are not limited to:

*Provide a listing of the design professionals and/or trade specialties required or anticipated based on the program.*

## V. MODEL INFORMATION PACKAGES

### A. COMPETITIVE SEALED BIDDING:

The agency must provide the following information package to any interested party based on a published SCBO notice for pre-qualification of prime contractors only. The Agency should modify this document to address whether the Agency will prequalify specified subcontractors as well as prime contractors or even prequalify specified subcontractors without prequalifying prime contractors. The Questionnaire may require modification due to project-specific circumstances such as licensing, bonds, and insurance requirements. OSE will assist the agency in making any changes.

REQUEST FOR STATEMENTS OF QUALIFICATIONS FROM  
[PRIME CONTRACTORS – PRIME CONTRACTORS AND LISTED  
SUBCONTRACTORS – LISTED SUBCONTRACTORS] FOR  
FORTHCOMING CONSTRUCTION PROJECT

Project Name:

Project Number:

Project Delivery Method: Design-Bid-Build

Agency name:

Agency location:

Notice is hereby given that [Agency Name] (hereinafter “Agency”) has determined that all [prime contractors – prime contractors and listed subcontractors – listed subcontractors] (hereinafter collectively referred to as “Contractors” and individually as “Contractor”) on the above named Project to be undertaken by the Agency must be pre-qualified prior to submitting a bid on that project. It is mandatory that all Contractors who intend to submit a bid shall fully complete the qualification questionnaire; provide all materials requested herein; and be approved by Agency to be on the final qualified Contractors list. *(The qualification questionnaire and materials requested herein are hereinafter collectively referred to as the “statement of qualifications”).* No bid will be accepted from a Contractor that has failed to comply with these requirements. If two or more business entities plan to submit a bid as part of a Joint Venture, each entity within the Joint Venture must be separately qualified to bid. The last date to submit a complete statement of qualifications is [mm/dd/yy] *[at least 35 days prior to the bid closing date]*. Contractors are encouraged to submit statements of qualifications as soon as possible, so that they may be notified of their pre-qualification status well in advance of the bid advertisement for this project.

In order to be prequalified to bid, a Contractor must receive a minimum score of \_\_\_\_\_ on the Prequalification Scoring Matrix which is a part of the statement of qualifications.

### PROJECT DESCRIPTION



*Provide a one- or two-paragraph description of the general scope of the project, including the most current construction budget and construction time.*

Construction disciplines required for the project include, but are not limited to:

*Provide a listing of the trade specialties required or anticipated based on the current design documents.*

**[Note: If Agency is prequalifying listed subcontractors, insert the following, otherwise proceed to Project Information:**

## LISTED SUBCONTRACTORS

Agency has determined that the qualifications and experience of firms providing the work associated with the following crafts or trades are a critical element in ensuring the successful completion of the Project and any such firm seeking to provide a sub-bid on this project must be prequalified.

*Provide a list of those trade specialties that will be subject to pre-qualification.]*

## PROJECT INFORMATION

Information regarding the project can be obtained from [insert name, affiliation and contact information for the Agency]. Draft plans and specifications are available from [insert contact information]. Draft plans and specifications are available on the agency website at [insert the URL or delete this sentence if not applicable]. **NOTE: The draft plans and specifications are informational only and shall not be used for bidding or estimating purposes.**

Answers to questions contained in the attached questionnaire, information about current bonding capacity, notarized statement from surety, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are all required. Agency will use these documents as the basis of rating Contractors in respect to the size and scope of the Project. Agency reserves the right to check other sources available and to incorporate that information into Agency's final decision.

Agency reserves the right to adjust, increase, limit, suspend or rescind the pre-qualification rating based on subsequently learned information. Contractors whose rating changes are sufficient to disqualify them will be notified and afforded an opportunity to submit mitigating information. The Agency's decision on such matters is final.

While it is the intent of the qualification questionnaire and documents required therewith to assist Agency in determining contractor responsibility prior to bid and to aid Agency in selecting the lowest responsive and responsible contractor, neither the fact of pre-qualification, nor any pre-qualification rating, will preclude Agency from a post-bid

consideration and determination of whether a pre-qualified contractor meets the State's standards for responsibility.

The statement of qualifications must be submitted under seal and marked "CONFIDENTIAL" to [\[name and address\]](#). Marking the envelope "CONFIDENTIAL" merely notifies Agency personnel that the envelope or box contains confidential information and is not sufficient to protect the contents from disclosure under the Freedom of Information Act. In order to protect confidential information in the statement of qualifications or confidential information submitted with the statement, each Offeror must follow the procedures set forth below.

**NOTICE: SUBMITTING CONFIDENTIAL INFORMATION** — For every document Contractor submits in response to or with regard to this request, Contractor must separately mark with the word "CONFIDENTIAL" every page, or portion thereof, that Contractor contends contains information that is exempt from public disclosure because it is either (a) a trade secret as defined in S.C. Code §30-4-40(a)(1), or (b) privileged and confidential, as that phrase is used in S.C. Code §11-35-410. For every document Contractor submits in response to or with regard to this request, Contractor must separately mark with the words "TRADE SECRET" every page, or portion thereof, that Contractor contends contains a trade secret as that term is defined by S.C. Code §39-8-20 of the Trade Secrets Act. For every document Contractor submits in response to or with regard to this request, Contractor must separately mark with the word "PROTECTED" every page, or portion thereof, that Contractor contends is protected by S.C. Code §11-35-1810. All markings must be conspicuous; use color, bold, underlining, or some other method in order to conspicuously distinguish the mark from the other text. Do not mark your entire response (statement of qualifications and accompanying documentation.) as confidential, trade secret, or protected! If your response or any part thereof, is improperly marked as confidential or trade secret or protected, the State may, in its sole discretion, determine it non-responsive. If only portions of a page are subject to some protection, do not mark the entire page. By submitting a response to this request, Contractor (1) agrees to the public disclosure of every page of every document regarding this request that was submitted at any time prior to entering into a contract (including, but not limited to, documents contained in a response and documents submitted to clarify a response), unless the page is conspicuously marked "TRADE SECRET" or "CONFIDENTIAL" or "PROTECTED", and (2) agrees that any information not marked, as required by these instructions, as a "Trade Secret" is not a trade secret as defined by the Trade Secrets Act. In determining whether to release documents, the State will detrimentally rely on Contractor's marking of documents, as required by these instructions, as being either "Confidential" or "Trade Secret" or "PROTECTED". By submitting a response, Contractor agrees to defend, indemnify and hold harmless the State of South Carolina, its officers and employees, from every claim, demand, loss, expense, cost, damage or injury, including attorney's fees, arising out of or resulting from the State withholding information that Contractor marked as "confidential" or "trade secret" or "PROTECTED". Notwithstanding any

**markings to the contrary, by signing this document you consent to the disclosure of the contents to those third parties that may be able to verify the item of information at issue.**

Each questionnaire must be signed under penalty of perjury in the manner designated at the end of the form, by an individual who has the legal authority to bind the Contractor on whose behalf that person is signing. If any information provided by a Contractor becomes inaccurate, the Contractor must immediately notify Agency and provide updated accurate information in writing, under penalty of perjury.

Contractors may submit statements of qualifications during regular working hours on any day that the offices of Agency are open. Contractors who submit a complete statements of qualifications will be notified of their qualification status no later than ten business days after close of receipt of the submittals.

Agency may refuse to grant pre-qualification where the requested information and materials are found to be false, or are not provided by [mm/dd/yy]. *[date specified in first paragraph – at least 35 days before bid closing]* The closing time for bids will not be changed in order to accommodate supplementation of incomplete submissions or late submissions.

## **B. COMPETITIVE SEALED PROPOSALS:**

The agency must provide the following information package to any interested party based on a published SCBO notice for pre-qualification of offerors. The Agency should modify this document to address whether the Agency will prequalify specified subcontractors that are a part of an offerors team. The Questionnaire may require modification due to project-specific circumstances such as licensing, bonds, and insurance requirements. OSE will assist the agency in making any changes.

### **REQUEST FOR STATEMENTS OF QUALIFICATIONS FROM [DESIGN-BUILDERS – ENERGY SERVICE COMPANIES - OTHER] FOR FORTHCOMING CONSTRUCTION PROJECT**

Project Name:

Project Number:]

Project Delivery Method: *[Design-Build –other]*

Agency name:

Agency location:

Notice is hereby given that [Agency Name] (hereinafter “Agency”) has determined that all [design-builder - energy service companies -other] (hereinafter referred to as “Offerors”) on the above named Project to be undertaken by the Agency must be pre-qualified prior to submitting a proposal on this project. It is mandatory that all Offerors who intend to submit a proposal shall fully complete the qualification questionnaire; provide all materials requested herein; and be approved by Agency to be on the final qualified Offerors list. *(The qualification questionnaire and materials requested herein*

are hereinafter collectively referred to as the “statement of qualifications”). No proposal will be accepted from an Offeror that has failed to comply with these requirements. If two or more business entities plan to submit a proposal as part of a Joint Venture, each entity within the Joint Venture must be separately qualified. The last date to submit a complete statement of qualifications is [mm/dd/yy] [at least 35 days prior to the bid closing date].

Using only the criteria stated in the request for qualifications, the Agency will rank Offerors from most qualified to least qualified. The Agency will solicit proposals from only the \_\_\_\_ [insert #] most qualified Offerors.

## PROJECT DESCRIPTION

*Provide a one- or two-paragraph description of the general scope of the project, including the most current construction budget and construction time.*

Construction disciplines required for the project include, but are not limited to:

*Provide a listing of design professionals and trade specialties required or anticipated based on the current program requirements.*

**[Note: If Agency is prequalifying subcontractors, insert the following, otherwise proceed to Project Information:]**

## SUBCONTRACTORS

Agency has determined that the qualifications and experience of firms providing services and/or work associated with the following professions, crafts, or trades are a critical element in ensuring the successful completion of the Project. Any firm that the Offeror intends to subcontract with for such services and/or work must be prequalified. Offerors must submit statements of qualifications for such firms along with their own statement of qualifications.

*Provide a list of those professions and/or trade specialties that will be subject to pre-qualification.]*

## PROJECT INFORMATION

Information regarding the project can be obtained from [insert name, affiliation and contact information for the Agency]. A project description [and program statement – design requirements] is/are available from [insert contact information]. A project description [and program statement – design requirements] is/are available on the agency website at [insert the URL or delete this sentence if not applicable]. **NOTE: Project description [and program statement] is/are are informational only and shall not be used for proposal preparation.**

Answers to questions contained in the attached questionnaire, information about current bonding capacity, notarized statement from surety, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are all required. Agency will use these documents as the basis of rating Offerors in respect to the size and scope of the Project. Agency reserves the right to check other sources available and to incorporate that information into Agency's final decision.

Agency reserves the right to adjust, increase, limit, suspend or rescind the pre-qualification rating based on subsequently learned information. Offerors whose rating changes are sufficient to disqualify them will be notified and afforded an opportunity to submit mitigating information. The Agency's decision on such matters is final.

While it is the intent of the qualification questionnaire and documents required therewith to assist Agency in determining the most qualified offerors prior to soliciting proposals, neither the fact of pre-qualification, nor any pre-qualification rating, will preclude Agency from a post-proposal consideration and determination of whether a pre-qualified offeror meets the State's standards for responsibility.

The statement of qualifications must be submitted under seal and marked "CONFIDENTIAL" to [\[name and address\]](#). Marking the envelope "CONFIDENTIAL" merely notifies Agency personnel that the envelope or box contains confidential information and is not sufficient to protect the contents from disclosure under the Freedom of Information Act. In order to protect confidential information in the statement of qualifications or confidential information submitted with the statement, each Offeror must follow the procedures set forth below.

**NOTICE: SUBMITTING CONFIDENTIAL INFORMATION — For every document Offeror submits in response to or with regard to this request, Offeror must separately mark with the word "CONFIDENTIAL" every page, or portion thereof, that Offeror contends contains information that is exempt from public disclosure because it is either (a) a trade secret as defined in S.C. Code §30-4-40(a)(1), or (b) privileged and confidential, as that phrase is used in S.C. Code §11-35-410. For every document Offeror submits in response to or with regard to this request, Offeror must separately mark with the words "TRADE SECRET" every page, or portion thereof, that Offeror contends contains a trade secret as that term is defined by S.C. Code §39-8-20 of the Trade Secrets Act. For every document Offeror submits in response to or with regard to this request, Offeror must separately mark with the word "PROTECTED" every page, or portion thereof, that Offeror contends is protected by S.C. Code §11-35-1810. All markings must be conspicuous; use color, bold, underlining, or some other method in order to conspicuously distinguish the mark from the other text. Do not mark your entire response (statement of qualifications and accompanying documentation) as confidential, trade secret, or protected! If your response or any part thereof, is improperly marked as confidential or trade secret or protected, the State may, in its sole discretion, determine it non-responsive. If only portions of a page are subject to some protection, do not mark the entire page. By submitting a response to this**

request, Offeror (1) agrees to the public disclosure of every page of every document regarding this request that was submitted at any time prior to entering into a contract (including, but not limited to, documents contained in a response or documents submitted to clarify a response), unless the page is conspicuously marked "TRADE SECRET" or "CONFIDENTIAL" or "PROTECTED", and (2) agrees that any information not marked, as required by these instructions, as a "Trade Secret" is not a trade secret as defined by the Trade Secrets Act. In determining whether to release documents, the State will detrimentally rely on Offeror's marking of documents, as required by these instructions, as being either "Confidential" or "Trade Secret" or "PROTECTED". By submitting a response, Offeror agrees to defend, indemnify and hold harmless the State of South Carolina, its officers and employees, from every claim, demand, loss, expense, cost, damage or injury, including attorney's fees, arising out of or resulting from the State withholding information that Offeror marked as "confidential" or "trade secret" or "PROTECTED". Notwithstanding any markings to the contrary, by signing this document you consent to the disclosure of the contents to those third parties that may be able to verify the item of information at issue.

Each questionnaire must be signed under penalty of perjury in the manner designated at the end of the form, by an individual who has the legal authority to bind the Offeror on whose behalf that person is signing. If any information provided by an Offeror becomes inaccurate, the Offeror must immediately notify Agency and provide updated accurate information in writing, under penalty of perjury.

Offerors may submit statements of qualifications during regular working hours on any day that the offices of Agency are open. Offerors who submit a complete statements of qualifications will be notified of their qualification status no later than ten business days after close of receipt of the submittals.

Agency may refuse to grant pre-qualification where the requested information and materials are found to be false, or are not provided by [\[mm/dd/yy\]](#). *[date specified in first paragraph – at least 35 days before bid closing]*.



**CONTRACTOR'S QUALIFICATION QUESTIONNAIRE  
FOR COMPETITIVE SEALED BIDDING**

Applicant Name: \_\_\_\_\_

Tax ID No. \_\_\_\_\_ or SS No. \_\_\_\_\_

DUNS No. \_\_\_\_\_

**DUNS (Data Universal Numbering System) NUMBER:** *The DUNS Number is a distinctive nine-digit identification number assigned to the firm by Dun & Bradstreet Information Services. If the applicant does not have a DUNS number, it should contact Dun & Bradstreet directly to obtain one. A DUNS number will be provided to the firm within seven to ten business days. For information on obtaining a DUNS number, the firm, if located in the United States, should call Dun & Bradstreet at 1-800-333-0505.*

D/B/A Name (if any) \_\_\_\_\_

Contact Person: \_\_\_\_\_ Title \_\_\_\_\_

Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone: \_\_\_\_\_ FAX: \_\_\_\_\_

Email: \_\_\_\_\_

Contractors must fully complete the Questionnaire and provide all requested information. If the pre-qualification process for a specific project includes the pre-qualification of subcontractors, then each subcontractor must submit a completed questionnaire. A submission that is incomplete, unsigned, or does not contain the required supplemental material may result in disqualification of the contractor.

This process is a responsibility determination. Minimum requirements necessary to prequalify are that the applicant has (1) available the appropriate financial, material, equipment, facility, and personnel resources and expertise, or the ability to obtain them, necessary to indicate its capability to meet all contractual requirements; (2) a satisfactory record of performance; (3) a satisfactory record of integrity; (4) qualified legally to contract with the State; and (5) supplied all necessary information in connection with the inquiry concerning pre-qualification (responsibility). See SC Code Ann Regs 19-445.2125(A).

Supplemental information provided with responses to the questions set forth herein will be used by the procurement officer to analyze the responsibility of the applicant firm. *See SC Code Ann Regs 19-445.2125(A)*. The scoring of scorable questions in the questionnaire assist in the determination that the minimum requirements for responsibility are met; however, if the procurement officer in the exercise of his discretion believes the supplemental information supports a determination of non-responsibility, he may disqualify the applicant firm from bidding on the project.

Pursuant to SC Code Ann § 11-35-1810 and Regs. 19-445.2125, the State may evaluate the responsibility of a contractor at any time up to award including asking for supplemental information to responses provided herein. The contractor shall supply such information upon request.

## PART I – GENERAL BUSINESS INFORMATION

*Note: Information provide in response to this section may be used to confirm answers given in other sections and to conduct an investigation of the history of performance of the firm and/or its owners and affiliated firms. An investigation that reveals a history of poor performance by the firm or its owners may, at the discretion of the procurement officer, be grounds for disqualification as non-responsible.*

### 1. BUSINESS ORGANIZATION OF APPLICANT

Date the applicant firm was formed \_\_\_\_\_

Type of Organization

☐ Corporation

State in which incorporated \_\_\_\_\_ Year \_\_\_\_\_

☐ Limited Liability Company

State in which organized \_\_\_\_\_ Year \_\_\_\_\_

☐ Partnership

☐ General ☐ Limited

State and County where partnership filed \_\_\_\_\_

☐ Sole Proprietorship

Owner \_\_\_\_\_

☐ Joint Venture (hereinafter, "Firm")

Provide the names, Tax ID No., and DUNS No. for each member of the Joint Venture \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**2. PRINCIPALS AND KEY PERSONNEL IN FIRM** - On the chart below, complete the required information. "Principals" and "Key Personnel" include any of the following:

- Proprietors, partners, directors, officers
- Any manager or individual who participates in overall policy-making or financial decisions for the firm
- Any person in a position to control and direct the firm's overall operations or any significant part of it's operation
- The firms qualifying party for purposes of South Carolina licensure.



Applicant firms that are publicly held corporations should list the president, treasurer, and only those officers and managers who will have direct responsibility for the project.

a. Principals and Key Personnel (use additional paper if necessary)

	Person 1	Person 2	Person 3
Name			
Title			
% of Ownership			
No. of shares owned			

b. At present, do any of the Principals or Key Personnel listed in Question No. 8a own 25% or more of any other firm?

☐ Yes ☐ No

If "Yes", list below (use additional paper if necessary)

Person	Firm Name	Address	Tax ID No.	% Owned

c. Has any owner, partner, qualifying party or (for corporations:) officer of your firm operated a construction firm (other than a firm listed in b above) under any other name in the last five years?

☐ Yes ☐ No

If "Yes", list below (use additional paper if necessary)

Person	Firm Name	Address	Tax ID No.	% Owned

d. Has there been any change in ownership of the firm at any time during the last three years? A corporation whose shares are publicly traded and of which no single person or entity owns more than 25% may check "No."

☐ Yes ☐ No

If "Yes," explain on a separate signed page.

e. Is the firm a subsidiary, parent, holding company or affiliate of another construction firm?

☐ Yes ☐ No

If “Yes,” explain on a separate signed page. Include information about other firms if one firm owns 50 per cent or more of another, or if an owner, partner, officer or qualifying party of your firm holds a similar position in another firm.

d. Firm’s gross revenues for each of the last three years:

Year			
Gross Revenue			

e. Has your firm changed names or license number in the past five years?

☐ Yes ☐ No

If “Yes,” explain on a separate signed page. Include the reason for the change.

### 3. SOUTH CAROLINA CONTRACTOR’S LICENSE(S):

Number	License Classification	License Group	Qualifying Party

*Firm will be disqualified if firm does not possess a valid and current South Carolina Contractor’s license for the project.*

### 4. INSURANCE:

Name of Primary Insurance Agent or Broker \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_ FAX No. \_\_\_\_\_

Type of Coverages

	Commercial Gen. Liability	Auto Liability	Worker’s Comp.	Other
Policy No.				
Name of Carrier				
Amount - Single				
Amount - Aggregate				
Expiration Date				

*Firm will be disqualified if it does not have general comprehensive liability insurance with a policy limit of at least \$1 million per occurrence and \$2 million aggregate. Firm will be disqualified if it does not have worker’s compensation insurance as required by the SC Worker’s Compensation Commission.*

### 5. APPLICANT’S BONDING INFORMATION

Name of Bonding Agent \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_ FAX No. \_\_\_\_\_

Name of Bonding Company	Bonding Capacity (Single)	Bonding Capacity (Aggregate)

*Firm will be disqualified if (1) it does not have current bonding capacity sufficient for the project, (2) Surety is not authorized to do business in SC, (3) Surety does not have an "A" minimum rating of performance as stated in the most current publication of "Best Key Rating Guide, Property Liability", or (4) Surety does not have a financial strength rating of at least five times the amount of the estimated maximum construction budget set forth in the solicitation.*

## 6. FINANCIAL STATEMENT

Attach the latest copy of the firms reviewed or audited financial statement with accompanying notes and supplemental information.

*Failure to provide the financial statement will result in disqualification. A financial statement that indicates the firm is not or may not be a going concern may, at the discretion of the procurement officer, result in disqualification.*

## PART II. ORGANIZATIONAL PERFORMANCE, COMPLIANCE WITH CIVIL AND CRIMINAL LAWS

**NOTE: Contractor will be immediately disqualified if the answer to any of the questions 1, 2, 3, or 4 is "Yes."**

1. Has your South Carolina contractor's license or contractor's license issued by any other state been revoked at any time in the last five years?

☐ Yes ☐ No

2. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last five (5) years?

☐ Yes ☐ No

3. At the time of submitting this qualification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract for the Federal Government or any state?

☐ Yes ☐ No

4. At any time during the last five years, has your firm or any of its owners, officers or qualifying parties been convicted of a crime involving the awarding of a contract of a Federal, State or local

government construction project, or the bidding or performance of a Federal, State or local government contract?

☐ Yes ☐ No

5. If your firm was required to pay a premium of more than one percent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay.

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*Attach a signed explanation setting forth the name of the surety, contact information for the surety, and the reasons for the premium amount.*

6. During the last five years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

☐ Yes ☐ No

*If "Yes," attach a signed explanation indicating the date when your firm was denied coverage and the name and contact information of the company or companies which denied coverage; and the period during which you had no surety bond in place.*

7. How many years has your organization been in business as a contractor under your present business name? \_\_\_\_\_ years

8. Is your firm currently the debtor in a bankruptcy case?

☐ Yes ☐ No

*If "Yes," attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.*

9. Was your firm in bankruptcy at any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 8 above)

☐ Yes ☐ No

*If "Yes," attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and a copy of the Bankruptcy Court's discharge order, or of any other document that ended the case, if no discharge order was issued.*

10. Has any contractor's license held by your firm or its Qualifying Party been suspended within the last five years?

☐ Yes ☐ No

*If "Yes," attach a signed explanation listing the issuing state and the license number.*

11. At any time in the last five years, has your firm been assessed or paid delay damages (liquidated or actual) on any public or private construction project?

☐ Yes ☐ No

*If "Yes," attach a signed explanation identifying all such projects by owner, owner's address, the date of completion of the project, amount of delay damages assessed and all other information necessary to fully explain the assessment of delay damages. If delay damages were assessed by a general contractor or construction manager provide their name and address.*

12. In the last five years, has your firm, parent firm, any subsidiary firm, or any firm with which any of your firm's owners, officers, partners or qualifying parties were associated, been debarred, disqualified, removed or otherwise prevented from bidding on, completing, or contracting to perform any government agency or public works project for any reason? "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to questions 3(b) and 3(c) of Part I of this form.

☐ Yes ☐ No

*If "Yes, attach a signed explanation stating whether the firm involved was the firm applying for pre-qualification here or another firm. Identify by name of the company, the name of the person within your firm who was associated with that company, the year of the event, the owner of the project, the project and the basis for the action. Provide contact information for the government agency involved.*

13. In the last five years, has your firm been denied an award of a public works contract based on a finding by any public agency (Federal, state or local) that your firm was not a responsible contractor, i.e., not qualified?

☐ Yes ☐ No

*If "Yes," attach a signed explanation identifying the year of the event, the owner, the project and the basis for the finding by the public agency.*

14. In the past five years, has any claim against your firm concerning your firm's work on a construction project been filed by a project owner in court or other tribunal or otherwise submitted to another party for dispute resolution, such as but not limited to binding arbitration?

☐ Yes ☐ No

If yes, list below (attach a separate sheet if necessary):

Plaintiff/Owner	Court/Tribunal	Case Number	Project	Amount of Claim

*If any claim exceeds \$50,000, attach a signed explanation identifying the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court or venue in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).*

15. In the past five years has your firm made any claim against a project owner concerning work on a project or payment for a contract and filed that claim in court or other tribunal or otherwise submitted the claim to another party for dispute resolution, such as binding arbitration?

☐ Yes ☐ No

If yes, list below (attach a separate sheet if necessary):

Plaintiff/Owner	Court/Tribunal	Case Number	Project	Amount of Claim


*If any claim exceeds \$50,000, attach a signed explanation identifying the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court or venue in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).*

16. At any time during the past five years, has any surety company made any payments on your firm's behalf as a result of a default to satisfy any claims made against a performance or payment bond issued on your firm's behalf, in connection with a construction project, either public or private?

☐ Yes ☐ No

*If "Yes," attach a signed explanation setting forth the name and telephone number of the surety, the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.*

17. In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?

☐ Yes ☐ No

*If "Yes," attach a signed explanation setting forth the name of the insurance carrier, the form of insurance and the year of the refusal.*

18. Has your firm or any of its owners, officers, partners or qualifying parties ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?

☐ Yes ☐ No

*If "Yes," attach a signed explanation identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.*

19. Has your firm or any of its owners, officers, partners or qualifying parties ever been convicted of a crime involving any federal, state, or local law related to construction?

☐ Yes ☐ No

*If "Yes," attach a signed explanation identifying who was involved, the name of the public agency, the date of the conviction and the grounds for the conviction.*

20. Has your firm or any of its owners, officers, partners or qualifying parties ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?

☐ Yes ☐ No

*If "Yes," attach a signed explanation identifying the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year and the criminal conduct.*

21. Has any OSHA (Federal or state) cited and assessed penalties against your firm for any "serious," "willful" or "repeat" violations of its safety or health regulations in the past five years? Do not include citations for which an appeal is pending; however, notify the state if at any time

prior to bid opening, the citation is upheld on appeal so that the state may recalculate your score on this form.

☐ Yes ☐ No

*If "Yes," attach a signed explanation describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed and a decision has been issued, state the case number and the date of the decision.*

22. Has any OSHA (Federal or state) cited and assessed penalties against your firm in the past five years for violations of its safety or health regulations that were not "serious," "willful" or "repeat" violations? Do not include citations for which an appeal is pending; however, notify the state if at any time prior to bid opening, the citation is upheld on appeal so that the state may recalculate your score on this form.

☐ Yes ☐ No

*If "Yes," attach a signed explanation describing each citation, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed and a decision has been issued, state the case number and the date of the decision.*

23. Has the US Environmental Protection Agency, or any state or regional environmental agency cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor in the past five years? Do not include citations for which an appeal is pending; however, notify the state if at any time prior to bid opening, the citation is upheld on appeal so that the state may recalculate your score on this form.

☐ Yes ☐ No

*If "Yes," attach a signed explanation describing each citation, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed and a decision has been issued, state the case number and the date of the decision.*

24. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

\_\_\_\_\_

25. List your firm's Experience Modification Rate (EMR) for each of the past three premium years:

Current year: \_\_\_\_\_

Previous year: \_\_\_\_\_

Year prior to previous year: \_\_\_\_\_

*If your EMR for any of these three years is or was 1.00 or higher, attach a signed explanation.*

26. Within the last five years has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance? Provide a statement by your current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five years. If your firm has been in the construction business for less than five years, provide a statement by your workers' compensation insurance

carrier verifying continuous workers' compensation insurance coverage for the period that your firm has been in the construction business.

☐ Yes ☐ No

*If "Yes," attach a signed explanation setting forth the dates your firm was without workers' compensation insurance and why your firm did not have coverage.*

27. Has there been more than one occasion during the last five years in which your firm was required to pay either back wages or penalties for your own firm's failure to comply with federal or state wage and hour laws including the Federal Davis-Bacon Act?

☐ Yes ☐ No

*If "Yes," attach a signed explanation describing the nature of each violation, identifying the name of the project, the date of its completion, the entity for which it was constructed; the number of employees who were initially underpaid and the amount of back wages and penalties that you were required to pay.*

### **PART III – PAST PERFORMANCE/RECENT CONSTRUCTION PROJECTS COMPLETED**

Contractor shall provide information about its five most recently completed projects where the contract price was within 10% of the construction budget for this project or greater. If the preceding list does not include a public project, and the Contractor has completed one or more public projects in the past five years, Contractor shall also provide information about the two (or one if there was only one such project) largest public projects completed within the last five years.<sup>2</sup> Names and references must be current and verifiable. Use separate sheets of paper that contain all of the following information:

Project Name	
Project Location	
Owner's Name	
Owner Contact Name & Telephone No.	
Architect/Engineer	
Architect/Engineer Contact Name & Telephone No.	
Type of Project	
Total Value of Construction	
Construction Manager Name & Telephone No.	
Original	

<sup>2</sup> If you wish, you may, using the same format, also provide information about other projects that you have completed that are similar to the project(s) for which you expect to bid.



Scheduled Completion Date	
Time Extensions Granted (number of days)	
Actual Date of Completion	

#### **PART IV. SPECIAL EXPERIENCE REQUIREMENTS**

[Insert questions developed for and related to special experience requirements.]

Projects that are unique in nature may have specific experience requirements not otherwise addressed by the above questions. Therefore, the Agency may develop a list of questions specifically related to experience on similar construction projects. Before including these additional questions in the questionnaire, the Agency must obtain OSE's approval.]

#### **CONTRACTOR'S CERTIFICATION**

I, the undersigned, certify and declare that I have read all the foregoing answers to this qualification questionnaire and know their contents. The matters stated in the questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of South Carolina, that the foregoing is correct.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
(Name)

Title: \_\_\_\_\_

### **PART III**

#### **PAST PERFORMANCE INTERVIEW QUESTIONS**

The following questions will be used by the agency to initiate the interview of contacts from at least three randomly selected projects from those listed in the contractor's response to the Questionnaire. No action by the contractor is necessary. These questions are provided to the contractor for information only.

1. Are there any outstanding stop notices, liens, or claims by the contractor that are currently unresolved on contracts for which notices of completion were recorded more than 120 days ago? (1 point for each is deducted from overall score; maximum amount to be deducted is 5 points)

2. On a scale of 1-10, with 10 being the best, did the contractor provide adequate personnel? (Max. 10 points)
3. On a scale of 1-10, with 10 being the best, did the contractor provide adequate supervision? (Max. 10 points)
4. On a scale of 1-10, with 10 being the best, was there adequate equipment provided on the job? (Max. 10 points)
5. On a scale of 1-10, with 10 being the best, was the contractor timely in providing reports and other paperwork, including change order paperwork and scheduling updates? (Max. 10 points)
6. On a scale of 1-10, with 10 being the best, did the contractor adhere to the project schedule that your [agency] [business] approved? (Max. 10 points)
7. Was the project completed on time? (10 points if the answer is "Yes"). Or, if the answer is "no," on a scale of 1-10, with 10 being the best, to what extent was the contractor responsible for the delay in completion? (Max. 10 points)
8. On a scale of 1-10, with 10 being the best, rate the contractor on the timely submission of reasonable cost and time estimates to perform change order work. (Max. 10 points)
9. On a scale of 1-10, with 10 being the best, rate the contractor on how well the contractor performed the work after a change order was issued, and how well the contractor integrated the change order work into the existing work. (Max. 10 points)
10. On a scale of 1-10, with 10 being the best, rate how has the contractor been performing in the area of turning in Operation & Maintenance manuals, completing as-built drawings, providing required training and taking care of warranty items? (Max. 10 points)
11. On a scale of 1-10, with 10 being the best, rate the contractor on whether there were an unusually high number of claims, given the nature of the project, or unusual difficulty in resolving them. (Max. 10 points)
12. On a scale of 1-10, with 10 being the highest, rate the contractor with respect to timely payments by the contractor to either subcontractors or suppliers. (If the person being interviewed knows of no such difficulties, the score on this question should be "10.")
13. On a scale of 1-10, with 10 being the best, how would you rate the quality of the work overall? (Max. 10 points)

## **INSTRUCTIONS FOR PAST PERFORMANCE INTERVIEWS**

These instructions are meant to assist the public agency in conducting the interviews of the managers of projects previously completed (that is, the people who supervised the projects for the project owners) by the contractor wishing to pre-qualify. The interview questions allow qualitative review of work performance for contractors who choose to bid and pre-qualify for public works contracts. The agency should use the interview questions to examine randomly selected contacts from at least three completed past projects.

- The agency should select an individual who, at a minimum, has a basic knowledge of public works construction. While conducting the interview, the interviewer should be consistently neutral in the way he/she presents the questions. If the interviewer changes the way he/she presents question during the review, it could potentially change the way the respondent answers the questions and jeopardize the overall scoring.
- The interviewer should not use examples or deviate from the questions unless the interviewee is unclear and requests further explanation. The interviewer should offer additional explanation of the questions only if sure of the intent of the question in the interview.
- The interviewer should attempt to first contact those listed as contacts by the contractor. The interviewer should be aware that for a complete interview regarding a single project he/she may need to interview multiple individuals. That is, the interviewer may have to contact multiple individuals, such as the project manager concerning the building process, and a financial manager for warranty items, assessed liens, and the like.
- Do not conduct group interviews. People respond differently when in groups than when in one-on-one interviews.
- Do not try to tape interviews, even with the permission of the interviewee. Take lengthy notes instead.
- The interviewer should make an appointment to conduct an interview, rather than telephoning potential contacts unannounced and catching them unprepared. If possible, send the interview questions to the interviewee ahead of time so that there is time to pre-prepare.
- The interviewer should review the information contained in the questionnaire regarding the past project with the person he/she is interviewing. That is, review who is being interviewed and why (purposes

of pre-qualifying for public works), the past project type, completion date, and other pertinent information to ensure that the interviewee is sure of the project he/she is asked to review.

- Before proceeding with the questions, explain that you will ask the interviewee to rate the contractor's performance on a scale of 1 (lowest) to 10 (highest), and that it is important that the interviewee consider the full range in rating the contractor. Explain that the interviewee should base his/her response on the following scale:
  - If the contractor's past performance is entirely favorable, then the score should be 9 or 10;
  - If the contractor's past performance is more favorable than unfavorable, then the score should be 6, 7 or 8;
  - If the contractor's past performance is neutral or no record, then the score should be 5;
  - If the contractor's past performance is more unfavorable than unfavorable, then the score should be 3, 4 or 5;
  - If the contractor's past performance is entirely unfavorable, then the score should be 1 or 2.
- The ultimate decision to deny pre-qualification is subject to protest; moreover, public and contractor confidence in the integrity of the process demands the agency have a sound basis for its decisions. For that reason, be sure to: (a) ask the interviewee for specific information or details and to explain or substantiate the numerical answer given; and (b) take written notes of the information provided. These notes will assist the agency is responding to any requests for a debriefing.

## THE SCORABLE QUESTIONS

Scorable questions arise in each of the Parts II and III of the questionnaire:

- Part II. Compliance with occupational safety and health laws, workers' compensation and other labor legislation; and,
- Part III. Completion of recent projects and quality of performance.

**Note: Not all questions in the questionnaire are scorable; some questions simply ask for information about the contractor firm's structure, officers, and history. This document includes only those questions that are scorable. The question numbers in this document are the numbers used in the questionnaire. Thus, the questions included here begin with question number 6, and there are a few breaks in the numerical sequence.**

The Part III interview questions (interviews by the public agency of project managers on projects completed recently by the contractor) are directed at collecting the information needed to evaluate depth and breadth of the contractor's experience with recently completed projects that are similar to the current project.

In evaluating a contractor's past performance the agency must recognize that "past performance" is a composite of three things: (1) observations of the historical facts of a company's work experience—what work it did, when and where it did the work, for whom it worked, and what methods were used; (2) qualitative judgments about the breadth, depth, and relevance of that experience based on those observations; and, (3) qualitative judgments about how well the company performed, also based on those observations. Past performance information includes, for example, the contractor's record of conforming to contract requirements and to standards of good workmanship; the contractor's record of forecasting and controlling costs and schedules, including the administrative aspects of performance; the contractor's history of reasonable and cooperative behavior; and, more generally, the contractor's business-like concern for the interests of the customer.

The process of assessing the contractor's application for pre-qualification begins with item (1), the facts provided by the contractor on relevant past projects, followed by interviews with the principals of those projects so that the agency can understand the context and meaning of that factual information as it bears on the agency's judgment of the contractor's ability to perform in the future.

## The Scores Needed for Pre-qualification

To pre-qualify on a design-bid-build project, a contractor or subcontractor must have a passing score for each of the scoreable Parts of the Questionnaire referred to above. To pre-qualify on a [*design-build - guaranteed energy savings – other*] project, a contractor must have at least a passing score for each of the scoreable Parts of the Questionnaire; however competition may further be limited to a specified number of the top ranked construction managers as set forth in the request for statements of qualifications.

Part I, General Business Information: this Part does not contain scoreable questions; however, contractor's failure to respond to these questions may be grounds for disqualifying the firm. The answers to the questions provide information that the Agency may use to verify answers to scoreable questions. Moreover, if the information provided in response to these questions indicate the contractor is not a going concern, the Agency may disqualify the contractor.

Part II, History of the Business and Organizational Performance, and Compliance with Occupational Safety and Health Laws, Workers' Compensation and Other Labor Legislation: the highest score available is 109 points. A passing score is a score of 76 of the available points.

Part III, Completion of Recent Projects and Quality of Performance: the agency must evaluate the contractor's past performance by conducting interviews with the owners of three of the reference completed projects, selected at random. Each person being interviewed is asked to rate a certain aspect of the contractor's performance using a scale of 1 to 10. The highest possible score is 120 points.

- A score of 72 or more points on each of the three interviews is sufficient to qualify a contractor on this part of the prequalification process.
- A score of 55 points on any of the three initial interview disqualifies the contractor from bidding on the project.
- If any interview yields a past performance score of 55 or greater but less than 72 points, the agency must conduct an additional interview with another reference. The score of that additional interview must be 72 points or greater for the contractor to have a passing score.

[For Part IV, Special Experience Requirements (if any), (Agency, with OSE's oversight, must develop a minimum passing score of the available points or in the alternative a pass – fail standard for any questions developed to determine whether a contractor meets the special experience requirements)]

## THE SCORABLE QUESTIONS and SCORING INSTRUCTIONS

5. If your firm was required to pay a premium of more than one percent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay.

---

*5 points if the rate is no more than one per cent  
3 points if the rate was no higher than 1.10 per cent.  
0 points for any other answer.*

6. During the last five years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

☐ Yes ☐ No

*No = 5 points*

*Yes = 0 points*

7. How many years has your organization been in business as a contractor under your present business name? \_\_\_\_\_ years.

*3 years or more = 2 points*

*4 years = 3 points*

*5 years = 4 points.*

*6 years or more = 5 points*

8. Is your firm currently the debtor in a bankruptcy case?

☐ Yes ☐ No

*“No” = 3 points*

*“Yes” = 0 points*

9. Was your firm in bankruptcy at any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 8 above)

☐ Yes ☐ No

*No = 3 points*

*Yes = 0 points*

10. Has any contractor's license held by your firm or its Qualifying Party been suspended within the last five years?

☐ Yes ☐ No

*No = 5 points*

*Yes = 0 points*

11. At any time in the last five years, has your firm been assessed or paid delay damages (liquidated or actual) on any public or private construction project?

☐ Yes ☐ No

- *5 points = No more than 1 project with damages of more than \$50,000*
- *3 points = No more than 2 projects with damages of more than \$50,000*
- *0 points = Any other answer*



12. In the last five years, has your firm, parent firm, any subsidiary firm, or any firm with which any of your firm's owners, officers, partners or qualifying parties were associated, been debarred, disqualified, removed or otherwise prevented from bidding on, completing, or contracting to perform any government agency or public works project for any reason? "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to questions 3(b) and 3(c) of Part I of this form.

☐ Yes ☐ No

*No = 5 points*

*Yes = 0 points*

13. In the last five years, has your firm been denied an award of a public works contract based on a finding by any public agency (Federal, state or local) that your firm was not a responsible contractor, i.e., not qualified?

☐ Yes ☐ No

*No = 5 points*

*Yes = 0 points*

14. In the past five years, has any claim against your firm concerning your firm's work on a construction project been filed by a project owner in court or other tribunal or otherwise submitted to another party for dispute resolution, such as but not limited to binding arbitration?

☐ Yes ☐ No

- **5 points** for either "No" or "Yes" with **1 instance** for **every \$50 million** in firm's average gross revenues, or fraction thereof, over previous three year period
- **3 points** for "Yes" with **2 instances** for **every \$50 million** in firm's average gross revenues, or fraction thereof, over previous three year period
- **0 points** for "Yes" if more instances than permitted above

*Example: Three firms, Alpha, Echo, and Kilo each averaged more than \$100 million in gross revenues over the past three years but less than \$150 million. Alpha had three claims; therefore, Alpha receives a score of 5. Echo had six claims; therefore, Echo receives a score of 3. Kilo had seven claims; therefore Kilo receives a score of 0.*

15. In the past five years has your firm made any claim against a project owner concerning work on a project or payment for a contract and filed that claim in court or other tribunal or otherwise submitted the claim to another party for dispute resolution, such as binding arbitration?

☐ Yes ☐ No

- **5 points** for either "No" or "Yes" with **1 instance** for **every \$50 million** in firm's average gross revenues, or fraction thereof, over previous three year period
- **3 points** for "Yes" with **2 instances** for **every \$50 million** in firm's average gross revenues, or fraction thereof, over previous three year period
- **0 points** for "Yes" if more instances than permitted above

*Example: Three firms, Alpha, Echo, and Kilo each averaged more than \$100 million in gross revenues over the past three years but less than \$150 million. Alpha had three claims; therefore, Alpha receives a score of 5. Echo had six claims; therefore, Echo receives a score of 3. Kilo had seven claims; therefore Kilo receives a score of 0.*

16. At any time during the past five years, has any surety company made any payments on your firm's behalf as a result of a default to satisfy any claims made against a performance or payment bond issued on your firm's behalf, in connection with a construction project, either public or private?

☐ Yes ☐ No

*5 points for either "No" or "Yes" with 1 claim*

*3 points for "Yes" with no more than 2 claims*



*Subtract five points for “Yes” if more than 2 claims*

17. In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?

☐ Yes ☐ No

*5 points for either “No” or “Yes” with 1 instance*

*3 points for “Yes” with 2 instances*

*0 points for “Yes” or if more than 2 instances*

18. Has your firm or any of its owners, officers, partners or qualifying parties ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?

☐ Yes ☐ No

*No = 5 points*

*Yes = subtract 5 points*

19. Has your firm or any of its owners, officers, partners or qualifying parties ever been convicted of a crime involving any federal, state, or local law related to construction?

☐ Yes ☐ No

*No = 5 points*

*Yes = subtract 5 points*

20. Has your firm or any of its owners, officers, partners or qualifying parties ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?

☐ Yes ☐ No

*No = 5 points*

*Yes = subtract 5 points*

21. Has any OSHA (Federal or state) cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past five years? Do not include citations for which an appeal is pending; however, notify the state if at any time prior to bid opening, the citation is upheld on appeal so that the state may recalculate your score on this form.

☐ Yes ☐ No

- *5 points for either “No” or “Yes” with 1 instance for every \$100 million in firm’s average gross revenues, or fraction thereof, over previous three year period*
- *3 points for “Yes” with 2 instances for every \$100 million in firm’s average gross revenues, or fraction thereof, over previous three year period*
- *0 points for “Yes” if more instances than permitted above*

*Example: Three firms, Alpha, Echo, and Kilo each averaged more than \$100 million in gross revenues over the past three years but less than \$200 million. Alpha had two citations with penalties; therefore, Alpha receives a score of 5. Echo had four citations with penalties; therefore, Echo receives a score of 3. Kilo had five citations with penalties; therefore, Kilo receives a score of 0.*

22. Has any OSHA (Federal or state) cited and assessed penalties against your firm in the past five years for violations of its safety or health regulations that were not “serious,” “willful” or “repeat” violations? Do not include citations for which an appeal is pending; however, notify the state if at any time prior to bid opening, the citation is upheld on appeal so that the state may recalculate your score on this form.

☐ Yes ☐ No

- *5 points for either “No” or “Yes” with 1 instance for every \$50 million in firm’s average gross revenues, or fraction thereof, over previous three year period*
- *3 points for “Yes” with 2 instances for every \$50 million in firm’s average gross revenues, or fraction thereof, over previous three year period*

- 0 points for “Yes” if more instances than permitted above

*Example: Three firms, Alpha, Echo, and Kilo each averaged more than \$100 million in gross revenues over the past three years but less than \$150 million. Alpha had three citations with penalties; therefore, Alpha receives a score of 5. Echo had six citations with penalties; therefore, Echo receives a score of 3. Kilo had seven citations with penalties; therefore Kilo receives a score of 0.*

23. Has the US Environmental Protection Agency, or any state or regional environmental agency cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor in the past five years? Do not include citations for which an appeal is pending; however, notify the state if at any time prior to bid opening, the citation is upheld on appeal so that the state may recalculate your score on this form.

☐ Yes ☐ No

- 5 points for either “No” or “Yes” with 1 instance for every \$50 million in firm’s average gross revenues, or fraction thereof, over previous three year period
- 3 points for “Yes” with 2 instances for every \$50 million in firm’s average gross revenues, or fraction thereof, over previous three year period
- 0 points for “Yes” if more instances than permitted above

*Example: Three firms, Alpha, Echo, and Kilo each averaged more than \$100 million in gross revenues over the past three years but less than \$150 million. Alpha had three citations with penalties; therefore, Alpha receives a score of 5. Echo had six citations with penalties; therefore, Echo receives a score of 3. Kilo had seven citations with penalties; therefore Kilo receives a score of 0.*

24. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

3 points for an answer of once each week or more often  
0 points for any other answer

25. List your firm’s Experience Modification Rate (EMR) for each of the past three premium years:

Current year: \_\_\_\_\_

Previous year: \_\_\_\_\_

Year prior to previous year: \_\_\_\_\_

5 points for three-year average EMR of .95 or less

3 points for three-year average of EMR of more than .95, but no more than 1.00

0 points for any other EMR

26. Within the last five years has there ever been a period when your firm had employees but was without workers’ compensation insurance or state-approved self-insurance? Provide a statement by your current workers’ compensation insurance carrier that verifies periods of workers’ compensation insurance coverage for the last five years. If your firm has been in the construction business for less than five years, provide a statement by your workers’ compensation insurance carrier verifying continuous workers’ compensation insurance coverage for the period that your firm has been in the construction business.

☐ Yes ☐ No

5 points for either “No” or “Yes” with 1 instance  
0 points for any other answer

27. Has there been more than one occasion during the last five years in which your firm was required to pay either back wages or penalties for your own firm's failure to comply with federal or state wage and hour laws including the Federal Davis-Bacon Act?

☐ Yes ☐ No

- **5 points** for either "No" or "Yes" with **2 instance** for **every \$50 million** in firm's average gross revenues, or fraction thereof, over previous three year period
- **3 points** for "Yes" with **3 instances** for **every \$50 million** in firm's average gross revenues, or fraction thereof, over previous three year period
- **0 points** for "Yes" if more instances than permitted above

*Example: Three firms, Alpha, Echo, and Kilo each averaged more than \$100 million in gross revenues over the past three years but less than \$150 million. Alpha had three incidents; therefore, Alpha receives a score of 5. Echo had six incidents; therefore, Echo receives a score of 3. Kilo had seven incidents; therefore Kilo receives a score of 0.*

### **Scoring of Questions about Past Performance**

1. Are there any outstanding stop notices, liens, or claims by the contractor that are currently unresolved on contracts for which notices of completion were recorded more than 120 days ago? (1 point for each is deducted from overall score; maximum amount to be deducted is 5 points)
2. On a scale of 1-10, with 10 being the best, did the contractor provide adequate personnel? (Max. 10 points)
3. On a scale of 1-10, with 10 being the best, did the contractor provide adequate supervision? (Max. 10 points)
4. On a scale of 1-10, with 10 being the best, was there adequate equipment provided on the job? (Max. 10 points)
5. On a scale of 1-10, with 10 being the best, was the contractor timely in providing reports and other paperwork, including change order paperwork and scheduling updates? (Max. 10 points)
6. On a scale of 1-10, with 10 being the best, did the contractor adhere to the project schedule that your [agency] [business] approved? (Max. 10 points)
7. Was the project completed on time? (10 points if the answer is "Yes"). Or, if the answer is "no," on a scale of 1-10, with 10 being the best, to what extent was the contractor responsible for the delay in completion? (Max. 10 points)
8. On a scale of 1-10, with 10 being the best, rate the contractor on the timely submission of reasonable cost and time estimates to perform change order work. (Max. 10 points)
9. On a scale of 1-10, with 10 being the best, rate the contractor on how well the contractor performed the work after a change order was issued, and how well

the contractor integrated the change order work into the existing work. (Max. 10 points).

10. On a scale of 1-10, with 10 being the best, rate how has the contractor been performing in the area of turning in Operation & Maintenance manuals, completing as-built drawings, providing required training and taking care of warranty items? (Max. 10 points)

11. On a scale of 1-10, with 10 being the best, rate the contractor on whether there were an unusually high number of claims, given the nature of the project, or unusual difficulty in resolving them. (Max. 10 points)

12. On a scale of 1-10, with 10 being the highest, rate the contractor with respect to timely payments by the contractor to either subcontractors or suppliers. (If the person being interviewed knows of no such difficulties, the score on this question should be "10.")

13. On a scale of 1-10, with 10 being the best, how would you rate the quality of the work overall? Max. 10 points)

## The Scoring Matrix

Table 1	
Question	Score
15	
16	
17	
Total Pts	
Poss. Pts.	11
Score %	

Table 2	
Question	Score
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	
32	
34	
36	
37	
38	
39	
40	
41	
42	
43	
44	
45	
Total Pts	
Poss. Pts.	108
Score %	

Table 3				
Question	Project 1	Project 2	Project 3	Project 4
47	< >	< >	< >	< >
48				
49				
50				
51				
52				
53				
54				
55				
56				
57				
58				
59				
Total Pts.				
Poss. Pts.	120			
Score %				

## **VI. SOURCES FOR VERIFICATION OF INFORMATION GIVEN BY CONTRACTORS**

**NOTE:** The information provided by contractors seeking prequalification is provided by contractors under oath, with the understanding that the intentional providing of false information is, in itself, grounds for disqualification. Agencies will and should generally accept information at face value. The following information is provided for use in those instances in which an agency reviewing the answers given in a questionnaire has reason to believe that one or more answers should be verified by reference to publicly available information.

### Information about a contractor's license(s)

(Questionnaire Part I, question 6, and Part II, questions 6 and 9-13)

Names and addresses of licensed contractors, information about the type of license(s) issued and the dates when licenses were issued (and certain other information), are available from the Contractors' Licensing Board of the SC Department of Labor, Licensing and Regulation.

### Information about workers' compensation insurance

(Part I, question 3 and Part II, questions 32-33)

Every workers' compensation insurance carrier issues to each of its insured businesses a Certificate of Insurance. The contractor should be willing to provide a copy upon request.

Each contractor's Experience Modification Rate for the year should be stated in a letter to the contractor from the contractor's workers' compensation insurance carrier.

Some companies are legally self-insured for workers' compensation, with the consent and authorization of the Worker's Compensation Commission. The names of companies that are legally self-insured are available from the Commission.

### Information about whether surety companies are "admitted" to do business in South Carolina

(Part I, question 5)

The South Carolina Department of Insurance will verify whether a surety company is "admitted" to issue surety bonds within the State.

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## Information on disqualification from bidding on public contracts (Part I, question 8 and Part II, question 15)

Information on the identities of contractors that have been disqualified from bidding on State construction contracts is available from the Office of State Engineer. The Office also maintains records of Contractor Performance Reports filed by agencies.

## Information available from the Secretary of State about corporations (Part II, questions 1a-1d, 2-4)

The South Carolina Secretary of State has certain current and historical information about all corporations that operate in South Carolina: dates of incorporation, articles of incorporation, the name of the original incorporators, the names of the corporate officers (who are not necessarily the corporate stockholders) and an agent for service of process for the corporation. This information is available from the Secretary of State upon written request. The Secretary of State does not ordinarily have a listing of the names of initial stockholders or current stockholders, and that information is generally not available in any public record.

## Information available from the Contractors' Licensing Board about partnerships and sole proprietorships (Part I, questions 1a-1d, 2-4)

Every business that operates under a general or mechanical contractor's license in South Carolina is required to identify the owners or partners of the firm as part of the license application process. The information is available to the public from the Contractors' Licensing Board upon request. A written request may be necessary.

## Information about bankruptcy proceedings (Part II, questions 7 and 8)

Bankruptcy petitions, which include the names of the person or business that is seeking protection from the Bankruptcy Court, are available for public inspection at the office of the Clerk of each Bankruptcy Court (which are federal courts). In South Carolina, the Bankruptcy Court is located at 1100 Laurel Street, Columbia, SC 29201-2423 (803-765-5436) <http://www.scb.uscourts.gov/>. Most documents filed in court in bankruptcy proceedings are available for public inspection, at the Bankruptcy Court clerk's office. Some information on bankruptcy filings may also be available from commercial enterprises that collect and sell information from public records. In addition some information about bankruptcy cases filed August 1990 and later is available on-line through the "PACER" (Public Access to Court Electronic Records) system. To obtain information from PACER, you must



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register with the system, and pay a fee for the materials obtained. Call 1-800-676-6856 or you may register online at <http://pacer.psc.uscourts.gov/>.

## Information about civil suits and arbitration cases

(Part II, questions 14, 17 and 18)

Each court keeps records of every civil suit filed in that court, and of the judgments that are issued after trials. However, the exact terms of pre-trial settlements are generally not recorded in court files. Documents related to disputes submitted to arbitration are generally not available for public inspection. Public agencies, however, are required to disclose the terms of such settlements, when documents are requested under the South Carolina Freedom of Information Act.

## Information about criminal convictions

(Part I, question 9, and Part II, questions 21, 22, and 23)

Criminal convictions are a matter of public record. Each courthouse (in both the federal and state court systems) has an index of its own criminal records. In addition, a few data collection businesses have collected criminal conviction information from public records throughout the state, and the collected information about particular individuals or businesses is available for sale from these private businesses.

## Information about Federal court civil and criminal cases

(Part I, question 9)

Information about federal criminal cases (filed August 1991 and later) and civil cases (filed August 1990 and later) is available on-line through the "PACER" (Public Access to Court Electronic Records) system. To obtain information from PACER, you must register with the system, and pay a fee for the materials obtained. Call 1-800-676-6856) or you may register online at <http://pacer.psc.uscourts.gov/>.

## Information about citations issued for violation of industrial safety and health laws

(Part II, questions 28 and 29)

Information about citations issued by both the federal Occupational Safety and Health Administration and the South Carolina Office OSHA Compliance (SC OSHA) are available on a web-site maintained by federal OSHA, <http://www.osha.gov>. At that web site, click on "Library." On the Library page, click on "Statistics and Inspection Data." Next, click on "Establishment Search." When the next screen appears, enter the name of the contractor about whom you seek information in the "Establishment" window and select appropriate values the remaining fields, then click the "Submit" button.



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## Information about wage and hour law violations (Part II, question 34)

Information about recent wage and hour law violations is available from the SC Department of Labor, Licensing and Regulation.

## Violations of air or water quality regulations (Part II, question 30)

Information about citations issued by the South Carolina Department of Health and Environmental Control is available from that agency under the Freedom of Information Act.

For Promulgation